

## **RESPONSE**

### **Claims Status**

Claims 1 – 39 were originally filed in this application and were pending for examination. In this amendment and response, claims 1, 5, 12, 16, 23, 31, 34 and 37 have been amended to more particularly claim that which the Applicant believes is the invention and to correct minor typographical errors. Support for these amendments can be found throughout the originally filed specification, and at least at paragraphs [0019], [0040] and [0041]. No new matter has been added. Claims 24 – 30, 38 and 39 have been cancelled without prejudice, and Applicant reserves the right to pursue these claims in continuation applications.

### **Claim Rejections**

In the current Action, claim 39 was rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Claims 1-7, 10, 11, 13-18, 20-22, 31-36 and 38 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Serial No. 6,157,834 to Helm et al. (“Helm”). Claims 24 – 29 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Serial No. 6,834,192 to Watanabe et al. (“Watanabe”). Claims 8, 12, 19, 23, 30 and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentably obvious in view of Helm.

Applicant respectfully submits that the claims as amended are patentable over the cited references.

### **Helm**

Helm is directed generally to a method for facilitating “interoperability between terrestrial cellular systems and satellite based cellular systems to allow handoffs between different based cellular systems.” Col. 2, line 16. As described, when a land-based cellular user begins to roam out of range of the cellular tower, the cellular phone sends a handoff request to its mobile switching center (MSC). If the MSC determines that the satellite-based cellular system will provide a better signal, the MSC sends a handoff request to an interface gateway requesting a handoff to the satellite-based system. Col. 3, lines 8-20. The signal is then routed from the MSC to a gateway and through the satellite network where it is processed by a regional gateway for the

satellite system. Once processed, the handoff signal is sent back through the satellite network, the gateway, the MSC, and eventually to the device, which executes the handoff by switching from the cellular link to the satellite link. Col. 4, lines 50-66.

#### Watanabe

Watanabe is directed generally to a method and apparatus that facilitates handover of communications with a mobile Bluetooth device operable to communicate packet data with other Bluetooth devices. Abstract.

#### Rejections Under 35 U.S.C. § 101

Claim 39 was rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant hereby cancels Claim 39 without prejudice, thereby rendering the rejection moot. Applicant reserves the right to pursue this claim in related applications.

#### Rejections under 35 U.S.C. § 102(e)

##### Independent Claims 1, 12 and 23

As amended, independent claims 1 and 23 recite in part “establish[ing] an initial connection from the mobile device through the initial access point to a roaming server” and “seamlessly transfer[ring] at [on] the roaming server assignment of the session data from the initial access point to the target access point” such the mobile device can “use the session data to communicate with the roaming server in a continuous manner.” Independent claim 12 as amended recites, in part, “a gateway application” that “establish[es] an initial connection from the mobile device through the initial access point to a roaming server” and “seamlessly transfer[s] assignment of the session data from the initial access point to the target access point” and, based on the session data, “establish[es] a target connection from the mobile device through the target access point to the roaming server” and as a result, “maintain[s] a continuous connection with the roaming server during the transfer.”

As described above, Helm facilitates hand-offs from a terrestrial-based cellular network to a satellite-based network, but does not mention handing off calls among land-based wireless networks. Specifically, the methods and systems described by Helm require two different access

modalities: mobile switching points (MSCs) for the cellular system and regional gateways for the satellite based system. Furthermore, Helm requires an interface gateway to interpret hand-off requests from the cellular system. In contrast, Applicant's claims recite transferring session data "at a roaming server" while maintaining a connection between the mobile device and the roaming server. As such, the roaming server acts as a single, persistent gateway to the network, managing the assignment of session data between the mobile device and the various access points through which it connects to the network, regardless of which access point the mobile device uses to connect to the network.

Moreover, Helm does not describe the continuous transfer of session data from one access point to another. Instead, a hand-off request is communicated to a satellite that, in response, issues a new path and channel over which the satellite will service the call. It is this new and different path, channel and session data that is sent to the MSC, not session data from the previous connection, that allows the hand-off to occur. Whereas Helm relies on the subsequent assignment of new path and channel data, regional gateways, and multiple mobile switching points to transfer a call from a first network to a distinctly different second network, Applicant's claims recite "maintain[ing] a continuous connection with the roaming server during the transfer" using the initially assigned session data.

As such, Applicants respectfully submit that independent claims 1, 22 and 23, as well as those claims that depend therefrom, are patentable over the cited reference.

#### Claims 31 – 37

Independent claims 31 and 37 recite, in part, "encapsulate" or "encapsulating" "host controller commands in a packet-based network protocol for use in communication among the roaming server and access points in the wireless area network" and "exchange" or "exchanging" "the encapsulated host controller commands with access points in the wireless area network to enable a mobile device to receive the host controller commands from the roaming server and continuously maintain the connection session while roaming among the access points." Likewise, claim 34 describes a roaming server that comprises, in part, "a packet encapsulation module executing on the digital processor for encapsulating host controller commands in a packet-based network protocol for use in communication among the roaming server and access

points in the wireless area network” and “a communications interface . . . for exchanging the encapsulated host controller commands with access points in the wireless area network to enable a mobile device to receive the host controller commands from the roaming server and continuously maintain the connection session while roaming among the access points.”

As explained above, Helm describes a system for facilitating hand-offs from a terrestrial-based cellular network to a satellite-based network, that requires new path and channel data, regional gateways, and multiple mobile switching points to interpret hand-off requests between a cellular system and a satellite-based system. Helm does not describe using encapsulated commands that effectuate the continuous transfer of session data from one access point to another to maintain connectivity to a roaming server as a mobile device moves among various network access points.

As such, Applicants respectfully submit that independent claims 31, 34 and 37, as well as those claims that depend therefrom, are patentable over the cited reference.

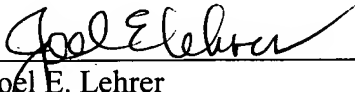
**CONCLUSION**

Applicant respectfully requests that the Examiner reconsider the application and claims in light of this Response, and respectfully submit claims 1-23 and 31-37 are in condition for allowance. If the Examiner believes, in his review of this Response or after further examination, a telephonic interview would expedite the favorable prosecution of the present application, the Applicant's attorney would welcome the opportunity to discuss any outstanding issues, and to work with the Examiner toward placing the application in condition for allowance.

Respectfully submitted,

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